REMARKS

Claims 1-36 are pending in the present application.

Claims 1-36 have been rejected.

Claims 5, 7, 8, 17, 19, 20, 29, 31 and 32 have been cancelled.

Claims 1, 13 and 25 has been amended.

Reconsideration of Claims 1-4, 6, 9-16, 18, 21-28, 30, and 33-36 is respectfully requested.

In Section 1 of the September 9, 2004 Office Action, the Examiner objected to the abstract as being too long. The Applicant has provided a shortened Abstract herein.

In Section 2 of the September 9, 2004 Office Action, the Examiner rejected Claims 1-7, 13-19 and 25-31 under 35 U.S.C. §103(a) as being unpatentable over United Stated Patent No. 5,995,831 to *Gulliford et al.* (hereafter, simply *"Gulliford"*) in view of United States Patent No. 6,128,657 to *Okanoya et al.* (hereafter, simply *"Okanoya"*). In Section 3 of the September 9, 2004 Office Action, the Examiner rejected Claims 8-12, 20-24 and 32-36 under 35 U.S.C. §103(a) as being unpatentable over the *Gulliford* reference in view of the *Okanoya* reference and further in view of United States Patent Publication No. 2003/0005350 to *Koning* (hereafter, simply *"Koning"*).

The Applicant respectfully asserts that the rejections of Claims 1-36 under 35 U.S.C. §103(a) are moot in view of the amendments to the claims.

The Applicant directs the Examiner's attention to amended Claim 1, which recites the unique and non-obvious limitations emphasized below:

1.   A controller for providing a subscriber database associated with a switch, said switch capable of handling call connections between calling devices and called

devices on a plurality of trunk lines associated with said switch, and said switch capable executing call processing applications, wherein each of said call processing applications is associated with one of said call connections, said controller comprising:

N call application nodes capable of executing a plurality of subscriber database server applications that connect a subscriber database to a call connection, wherein a first subscriber database server application is executed on a first one of said N call application nodes and is associated with a similar second subscriber database server application executed on a second one of said N call application nodes separate from said first call application node, said first and second subscriber database server applications thereby forming a subscriber database load sharing group server application, and

wherein said each call processing application sends a subscriber database service request to said subscriber database load sharing group server application and said subscriber database load sharing group server application selects one of said first and second subscriber database server applications to perform said requested subscriber database service request according to a load distribution algorithm, and wherein said first subscriber database server application comprises a first primary-backup group server application that includes a first primary subscriber database server application executed on said first call application node and a first backup subscriber database server application associated with said first primary subscriber database server application, said first backup subscriber database server application residing on a call application node separate from said first call application node. (emphasis added)

Applicant respectfully asserts that the above-emphasized limitation are not disclosed, suggested, or even hinted at in the *Gulliford* reference, the *Okanoya* reference or the *Koning* reference, or in any combination of two or more of the *Gulliford*, *Okanoya*, and *Koning* reference.

In Claim 1, the recited subscriber database load sharing group comprises: i) a first subscriber database server application and ii) a second subscriber database server application that are executed on different call application nodes. To provide further reliability, the first subscriber database server application includes: iii) a first primary subscriber database server application and iv) a first backup subscriber database server application that also reside on different call application nodes. This

limitation is not shown in the *Gulliford* reference, the *Okanoya* reference or the *Koning* reference, or

in any combination of two or more of the *Gulliford*, *Okanoya*, and *Koning* references.

Although the *Koning* reference shows server groups that comprise primary servers and

backup servers that are on different nodes, the *Koning* reference does <u>not</u> show that server groups

that perform similar services form load sharing groups in which the individual server groups are

executed on different call application nodes. In fact, the opposite appears to be true. The active (or

primary) server groups are shown on the same node.

The Applicant directs the Examiner's attention to Figure 1 of the *Koning* reference and the

related text. Figure 1 of the *Koning* reference shows four primary-backup groups – Groups 1, 2, 3

and 4. Each primary-backup group comprises a primary server on one node and a backup server on a

different node. However, there is no indication in the *Koning* reference that Groups 1, 2, 3 and 4

perform similar services that allow load-sharing between Groups 1-4. It appears that Groups 1-4

perform different services. The Applicant directs the Examiner's attention to Paragraph 0023 of the

Koning reference, wherein it states:

> Referring to FIG. 1, <u>if server group 3 is a client of server group 2</u> and node A fails,
> then the primary server of server group 3 would "switchover" from the primary server
> of server group 2 to the backup server of server group 2. After the switchover, if
> server group 3 requires services from server group 2, it will request those services
> from the backup server of server group 2. [emphasis added]

As the text above indicates, server group 3 and is not the same type of application as server group 2,

since server group 3 is a client of server group 2.

However, even if some of the server groups in FIGURE 1 are the same type of application and form load-sharing groups, the *Koning* reference shows that the primary servers (i.e., the first and second subscriber database server applications) are located on the same nodes, not different nodes. Thus, if Node A in the *Koning* reference fails, the primary server in Group 1 and the primary server in Group 2 both fail.

Thus, Claim 1 recites unique and non-obvious limitations that are not disclosed, suggested or even hinted at in the *Gulliford* reference. Furthermore, the *Okanoya* reference does nothing to overcome the shortcomings of the *Gulliford* reference. This being the case, Claim 1 contains subject matter that is patentable over the *Gulliford* reference, the *Okanoya* reference, and the combination of the *Gulliford* and *Okanoya* references. Although the Examiner did not apply the *Koning* reference against Claim 1, the Applicant notes that the *Koning* reference also does not overcome the shortcomings of the *Gulliford* reference. This being the case, Claim 1 contains subject matter that is patentable over the *Gulliford* reference, the *Okanoya* reference, and the *Koning* reference, either individually or in any combination of two or more of those references.

Furthermore, dependent Claims 2-4, 6, and 9-12 depend from Claim 1 and recite all of the unique and non-obvious limitations recited in Claim 1. Thus, Claims 2-4, 6, and 9-12 are also patentable over the cited prior art references. Also, independent Claims 13 and 25 recites limitations that are analogous to the unique and non-obvious limitations recited in Claim 1. This being the case, Claims 13 and 25 are patentable over the *Gulliford* reference, the *Okanoya* reference, and the *Koning* reference, either individually or in any combination of two or more of those references. Finally,

dependent Claims 14-16, 18, 21-24, which depend from Claim 13, and Claims 26-28, 30, and 33-36,

which depend from Claim 25, recite all of the unique and non-obvious limitations recited in Claim

13 and Claim 25, respectively. Thus, Claims 14-16, 18, 21-24, 26-28, 30, and 33-36 are also

patentable over the cited prior art references.

SUMMARY

For the reasons given above, the Applicant respectfully requests reconsideration and allowance of pending claims and that this Application be passed to issue. If any outstanding issues remain, or if the Examiner has any further suggestions for expediting allowance of this Application, the Applicant respectfully invites the Examiner to contact the undersigned at the telephone number indicated below or at *jmockler@davismunck.com*.
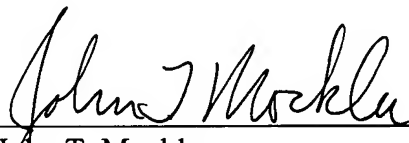
The Commissioner is hereby authorized to charge any additional fees connected with this communication or credit any overpayment to Deposit Account No. 50-0208.

Respectfully submitted,

DAVIS MUNCK, P.C.

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